

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

United States of America

v.

Jermaine Gonsalves

No. 18-CR-10468-NMG

DEFENDANT'S MOTION TO RECONSIDER  
MOTION TO CONTINUE SENTENCING HEARING

*Assented to by Government*

Defendant Jermaine Gonsalves previously moved the Court to continue his sentencing hearing, then scheduled for February 3, 2022, for a period of at least 60 days. The Court allowed the motion in part, continuing in-person sentencing to February 28<sup>th</sup>. The defendant now moves the Court to reconsider and establish an in-person sentencing date that is no earlier than March 19<sup>th</sup>. The government assents.

The Court recently granted motions to continue the sentencing dates of every other defendant. Mr. Chapman is scheduled for March 4<sup>th</sup>. The next scheduled sentencing after that is Mr. Perez Felix on March 22<sup>nd</sup>. Delaying Mr. Gonsalves beyond March 18<sup>th</sup> would cause no harm to the interests of justice. The risks of COVID warrant the granting of a continuance in accord with Chief Judge Saylor's Eighth Supplemental Order Concerning Video and Telephone Conferencing for Felony Pleas and Sentencing.

The Order finds that felony sentencings cannot be conducted in person without seriously jeopardizing public health and safety until no earlier than March 19<sup>th</sup>. This finding is not dependent upon the health of the parties or attorneys, and counsel's particular risk factors should not matter. However, counsel does have significant risk factors, not just age, that create particular risk.

Last week, there were 78 deaths in Massachusetts from COVID; 24,512 new confirmed cases; 2,984 hospitalized patients, including 1,420 fully vaccinated. <https://www.wwlp.com/news/health/coronavirus-local-impact/massachusetts-covid-19-weekend-report-78-new-deaths-24512-new-cases/>. Counsel does not wish to appear in court until the current Omicron spread is very substantially reduced. Mr. Gonsalves just caught COVID. If the sentencing had been held last week, there's a good chance that counsel, and perhaps others involved in his transport, or otherwise in contact with him, would have contracted it. The fact that Mr. Gonsalves caught it once does not mean he can't get it again. There are substantial risks involved in transporting any defendant to court from Plymouth or Wyatt; both facilities have been struggling with an enormous rise in cases amongst staff and prisoners. Mr. Gonsalves wants an in-person sentencing. Except for Mr. Chapman, all the remaining sentencing hearings are scheduled for March 22 – April 12.

For these reasons, defendant Gonsalves' sentencing should be continued until at least March 19, 2022.

JERMAINE GONSALVES

By his Attorney,

*/s/ Keith Halpern*

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 27, 2022.

*/s/ Keith Halpern*